

**HAWAII
ADMINISTRATIVE RULES
1999 TABLE OF STATUTORY
SECTIONS IMPLEMENTED
and
DIRECTORY**

1999 Supplement to 1995 Cumulative Edition

Compiled by

LRB-SYSTEMS OFFICE

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FACT SHEET

Hawaii Administrative Rules 1999 Table of Sections Implemented and Directory Supplement

I. Highlights

Section 91-4.2, Hawaii Revised Statutes (part of the Hawaii Administrative Procedure Act), requires that all state agency rules include a listing of all statutes that are being implemented or interpreted by the rule. The 1999 Table of Sections Implemented is a compiled listing of all sections of the Hawaii Revised Statutes and the Session Laws of Hawaii (in the case of uncodified statutory provisions) listed as being implemented or interpreted by various state agency rules.

The table is designed for use by any person seeking to find out whether any particular section of (typically) the Hawaii Revised Statutes is being implemented or interpreted by state agency rules. The user would find the statutory section in the left column on the table. The corresponding numbers in the right column would be the numbers of any rule sections listed by state administrative agencies as claiming to implement or interpret that statutory section.

The Directory Supplement portion of the publication is a supplement to the 1995 Cumulative Edition of the Hawaii Administrative Rules Directory. The directory is a compilation of all of the section numbers and section headings of state administrative agency rules adopted in the Hawaii Administrative Rules format (the uniform format for all state agency rules). The directory thus serves as a detailed table of contents of the State's administrative rules. The 1999 Supplement lists the section number and heading of all rule sections adopted, repealed, or where the section number or heading has changed since the publication of the 1995 Cumulative Edition.

Users who access this publication at the Legislative Reference Bureau's website www.hawaii.gov/lrb/ (and clicking on to "lrb reports") will also have direct links to agency rules on the web.

II. Frequently Asked Questions

1. *Do the Table and Directory List All State Agency Rules?*

Answer: No. Both list only those rules that conform to the uniform format for state agency rules mandated by section 91-4.2, Hawaii Revised Statutes. A small number of rules have never been converted to the format. Further, an unknown number of state agency rules may exist that are completely exempt from the

requirements of the Hawaii Administrative Procedure Act (chapter 91, HRS). Not only are these rules exempt from public notice and hearing, they need not be filed in the Office of the Lieutenant Governor, and, for that matter, do not even have to be in writing. Further, any attempt to collect these exempt rules could be futile because they can be changed at any time at the whim of the agency.

2. *Does an [R] Next to a Statutory Citation in the Table Mean that the Corresponding Rule Sections are Invalid or Obsolete?*

Answer: No. In itself, it simply means that the agency should update its list of statutes that the rule section claims to implement or interpret, because the indicated statute has been repealed. Many rule sections claim to implement more than one statutory section. If the particular statutory section is the only section being implemented, then the agency should determine whether other statutory sections should be substituted. It is also not unusual for an agency to list “None”, meaning that that particular rule section does not implement or interpret any particular statutory section. This does not mean that the rule section is unnecessary or obsolete. It may simply mean that the particular rule section is filling a gap left by the Legislature in the statutory scheme, which may be necessary to prevent “disconnects”.

3. *Does the 1999 Directory Supplement List All of the Rule Sections that have been Amended Since 1995?*

Answer: No. Users must remember that the Directory and Supplement are intended to serve as a table of contents. If the contents of a rule section are amended but the section number and title are unchanged, there is no change to note in the table of contents. The user is still searching for the same section number and heading. Listing all amended sections would add considerably to the bulk of the publication. Additionally, users still would not know whether the rule section had been amended once or many times.

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FOREWORD

This publication sets forth a table listing the sections of the *Hawaii Revised Statutes* as they are implemented or interpreted by state administrative agency rules. This volume also includes a cumulative supplement to the 1995 edition of the Hawaii Administrative Rules Directory. The supplement lists all changes to section numbers or headings of rules adopted, amended, or repealed between May 1, 1996 and April 30, 1999. The 1998 Table of Statutory Sections Implemented and Rules Directory Supplement is superseded.

Disclaimer: Although every effort has been made to review and include all pertinent available data up to April 30, 1999, the information presented in this publication cannot be guaranteed to be a completely accurate listing of all state administrative rules. Information in this publication should be confirmed against official rules kept by the respective departments. This volume contains no references to rules that have not been converted to the Hawaii Administrative Rules format. Further, the Directory Supplement only lists amended sections that have had a change in the section number or heading. IT IS NOT A LISTING OF ALL AMENDED SECTIONS.

This publication was made possible to a substantial degree by the exhaustive efforts of various student employees of the Bureau who worked diligently on previous editions of the Directory. They are Mr. Willis Oshiro and Mr. Richard Lightner (1988 cumulative edition), Mr. Paul M. Saito (1989 supplement), Mr. Thomas S. Brennan (1990 supplement), Ms. Cynthia T. Tai (1991 cumulative edition), Ms. Jodi Kimura and Ms. Carlotta Diaz (1993 supplement), Ms. Lynn K. Kashiwabara (1994 supplement), Ms. Allison S.Y. Chang and Ms. Cathleen S. Chang (1995 cumulative edition), Mr. Eric Tashima (1996 supplement), Mr. Joseph Kernan (1997 supplement), and Legislative Reference Bureau-Systems Office (1998 supplement). They served under the able direction and guidance of Assistant Director for Research Ken H. Takayama.

The Bureau also extends its sincere appreciation to Ms. Tanya Borabora of the Office of the Lieutenant Governor for her assistance.

Wendell K. Kimura
Acting Director

November 1999

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INTRODUCTION

This publication replaces the 1998 Table of Statutory Sections Implemented, and should be used in conjunction with the 1995 cumulative edition of the Hawaii Administrative Rules Directory. Items listed in this publication include repealed sections and the headings of new sections and sections where the headings have changed. Sections that have been amended substantively are not listed if their headings or numbers were not changed.

I. Background

Section 91-5, *Hawaii Revised Statutes*, required state agencies to publish their rules by June 21, 1981, in the format for administrative rules prescribed by the revisor of statutes. The purpose of the legislation which enacted this requirement was to replace the multiplicity of agency rule formats with a single uniform format for all state agency rules. Not all agencies have fully complied with this requirement. Other agency rules are completely exempt from the Hawaii Administrative Procedure Act (chapter 91, *HRS*). Accordingly, this directory supplement lists only those rules filed with the lieutenant governor in the Hawaii Administrative Rules format between May 1, 1995, and May 1, 1999

II. Numbering System

The Hawaii Administrative Rules format prescribed by the revisor of statutes is substantially similar to the format used in the *Hawaii Revised Statutes*. Among other things, the format brings all agency rules adopted pursuant to the Hawaii Administrative Procedure Act into a single numbering system. The numbering system consists of a series of titles, with each title divided into chapters, and each chapter divided into sections. A title includes all of the rules of a particular department, and all other agencies attached to that department for administrative purposes.

III. Table of Sections Implemented

The table of sections implemented provides a means of finding whether rules exist which implement or interpret sections of the state statutes. The table should be used subject to the following cautionary instructions:

- (1) Rule listings are only to rules that have been converted to the Hawaii Administrative Rules format. This does not preclude the existence of other rules interpreting the same section that have not been converted.
- (2) Whether or not a particular rule section is said to implement or interpret a particular statutory section is a determination made solely by the administrative agency which adopted the rule.

IV. Directory

The purpose of this administrative rules directory is to serve as a functional equivalent of a detailed table of contents. The directory is organized as follows:

- (1) With the exception of the offices of the governor and lieutenant governor (which are listed first), legislative agencies, the judiciary, and the department of public safety (which are listed as titles 21, 22, and 23, respectively), the title numbers correspond to the listing in alphabetical order of the state departments as they existed in 1982. Departmental name changes which have occurred since that time have resulted in the departments of business, economic development, and tourism, commerce and consumer affairs, human resources development, and human services being out of order alphabetically.
- (2) Each title begins with a title “analysis”--a listing, in numerical order, of all of the subtitles and parts (if any) and chapters contained within that title, and their respective headings.
- (3) Each title analysis is followed in turn by chapter analyses of each chapter contained in that title. A chapter analysis is a listing of all of the section numbers and headings of the sections contained within that chapter.

Users must keep in mind that each title contains all of the rules of a particular department as well as the administrative agencies assigned by law to that department for administrative purposes. To assist users in finding the location of rules of particular agencies, a listing of specific agencies and the title in which their rules are located is included at the end of this introduction.

A person viewing a copy of the actual rules will find three informational notes listed at the end of each section. The source note (material in brackets) gives historical information concerning that particular section. Abbreviations include “Eff” (date section originally became effective), “am” (date section was amended), “ren” (renumbered), “comp” (compiled--merging in amendments and other changes to notes without modifying text of section), and “R” (repealed). Citations of authority (material in parentheses beginning with “Auth:”) indicate the state statutes, federal statutes, or federal rules which the adopting agency claims authorized the adoption of that particular section. The list of sections implemented (material in parentheses beginning with “Imp:”) indicate the state statutes, federal statutes, federal rules, or other laws which the adopting agency claims the particular section to be implementing or interpreting.

Questions concerning the Directory or the Table may be addressed to Ken Takayama, Legislative Reference Bureau, State Capitol, Room 446, Honolulu, Hawaii 96813, phone 587-0666, fax 587-0681, e-mail takayama@capitol.hawaii.gov.

V. Citation

Rules may be cited as follows:

- (1) When referring to a particular section:

(Section number), Hawaii Administrative Rules (agency name)

For example: 16-30-10, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)

- (2) When referring to a chapter:

Chapter (title and chapter number), Hawaii Administrative Rules (agency name)

For example: Chapter 16-30, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)

VI. Copies of Rules

The difference between a uniform format for rules and a codification (such as the Code of Federal Regulations) is that only in codifications is there central control over publication. Under the uniform format system adopted by the legislature, each agency retains almost complete control over its own rulemaking proceedings. While a collection of a number of state agency rules published in the uniform format might take on the appearance of a code, no such code exists. Accordingly, copies of agency rules must be obtained from the respective agencies. Persons seeking to establish collections of rules are advised to specifically request copies of rules in the “official” format (*i.e.*, on 8-1/2 x 11 inch paper, an exact replica of rules as filed with lieutenant governor). Agencies have been authorized to issue “unofficial” versions of rules which may differ from copies on file with the lieutenant governor in size of paper used, typesetting, the inclusion of relevant statutes or other materials, or any number of other modifications (although the actual text of the rules should not be modified in any way). All copies of rules distributed in other than the official format should be clearly marked “unofficial.”

Persons to be contacted for copies of rules are as follows:

Sam Callejo
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Office of the Governor

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General Services

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Department of Budget and Finance

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Department of Business, Economic
Development, and Tourism

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Kamamalu Building, 3rd Floor
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Department of Education

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Alii Place
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State Ethics Commission

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Email: None

Judiciary

VI. Rulemaking Proceedings

The following persons have been designated by their respective departmental directors as the individuals to whom questions concerning the status of proposed new rules, or proposed amendments to or the repeal of existing rules may be addressed:

Sam Callejo Phone: 586-0005 Email: samac@gov.state.hi.us	Office of the Governor
Gordon Arakaki SWAT Director Phone: 586-0238 Email: gordon_arakaki@exec.state.hi.us	Office of the Lieutenant Governor
Raymond Nakagawa Phone: 586-0699 Email: None	Department of Accounting and General Services
Letitia Uyehara Phone: 973-9553 Email: hdoa_deputy@hawaiiag.org	Department of Agriculture
Maurice Kato Phone: 586-1276 Email: None	Department of the Attorney General
Stanley Shiraki Administrative and Research Office Phone: 586-1601 Email: None	Department of Budget and Finance
Roy Tsumoto Administrative Services Office Phone: 586-2433 Email: royt@dbedt.hawaii.gov	Department of Business, Economic Development, and Tourism
Sandra Okihara Staff Services Supervisor P.O. Box 541 Honolulu, HI 96809 Phone: 586-2844 Email: None	Department of Commerce and Consumer Affairs
James Y. Toyama Phone: 733-4260 or 733-4242 Email: jtoyama@hihik.ang.af.mil	Department of Defense

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Civil Rights Compliance Branch
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Department of Education

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Department of Taxation

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Department of Transportation

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University of Hawaii

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Email: ethics@ethics.mindwind.com

State Ethics Commission

Susan Gochros
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Email: None

Judiciary

The mailing addresses of the persons on this list are the same as the distribution coordinators for the same department on the previous list.

VII. Internet Access

A few agencies have posted rules on various websites on the Internet. These postings have occurred as a result of the initiative of the particular agencies involved. The addresses of the respective websites are as follows:

Department of Accounting and General Services:

Generally

www.state.hi.us/dags/

Procurement rules

www.hawaii.gov/icsd/dags/adminrule/admin.html

Department of Agriculture

www.hawaiiag.org/hdoa/chr_adminrules.htm

Department of Budget and Finance

www.state.hi.us/forms/dbf/dbf.html

Department of Business, Economic Development, and Tourism

Hawaii community development authority

www.hawaii.gov/hcda/main_development_rules.htm

Department of Commerce and Consumer Affairs

www.hsba.org/hawaii/admin/dcca/dcca.htm

Department of Education

www.k12.hi.us/

Department of Hawaiian Home Lands

www.state.hi.us/dhhl/adminrules.html

Department of Health

www.state.hi.us/doh/rules/index.html

Commission on persons with disabilities

www.hawaii.gov/health/cpd/cpd-adr0.htm

Department of Human Resources Development

www.state.hi.us/hrd/rules.html

Department of Labor and Industrial Relations

www.state.hi.us/hcrc/har98.html

Department of Land and Natural Resources

www.state.hi.us/dlnr/dlnr_rules.html

Department of Taxation

www.state.hi.us/tax/tax.html

Department of Transportation

Airports

www.state.hi.us/dot/hiadru.htm

Harbors

www.state.hi.us/dot/harbors.htm

Highways

www.state.hi.us/dot/highways.htm

SELECTED AGENCIES ATTACHED TO DEPARTMENTS

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Criminal Injuries Compensation Commission	17
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**TABLE OF THE HAWAII REVISED STATUTES SECTIONS
IMPLEMENTED OR INTERPRETED
BY ADMINISTRATIVE RULES
(May 1, 1999)**

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*Probably should be 127-9.

†Probably should be 39-53.

[R] means HRS section is repealed.

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*Probably should be 444-4.

†Probably should be 359-34.

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[R] means HRS section is repealed.

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*Probably should be 103D-1006 or 103D-1005.

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*Probably should be 235-5.

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*Probably should be 305A-3.

[R] means HRS section is repealed.

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[R] means HRS section is repealed.

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*Probably should be 484-10.

[R] means HRS section is repealed.

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[R] means HRS section is repealed.

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[R] means HRS section is repealed.

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The following administrative rules purport to implement statutes that are either erroneously specified or nonexistent:

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- a. Probably should be 2-14-7.
- b. Probably should be 157-31.
- c. Probably should be 150A-5.
- d. Probably should be 141-2.
- e. Probably should be 201E-170
- f. Probably should be 39-53.
- g. Probably should be SLH.
- h. Probably should be 127-9.
- i. Probably should be 296-49.
- j. Probably should be 323-5.1.
- k. Probably should be Chapter 11.
- l. Probably should be 383-37 to 383-42.
- m. Probably should be 89-7.

- n. No such HRS section.
- o. Probably should be 444-4.
- p. Probably should be 484-10.
- q. Probably should be 466K-3.
- r. Probably should be 356-10.
- s. Probably should be 356-35.
- t. Probably should be 359-34.
- u. Probably should be 359-34.
- v. Probably should be 235-5
- w. Probably should be 19-127.1-9.
- x. Probably should be 286-246.
- y. Probably should be SLH.
- z. Probably should be 305A-3.

HAWAII ADMINISTRATIVE RULES DIRECTORY

1999 SUPPLEMENT

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REPEALED

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www.state.hi.us/hcda/main_development_rules.htm

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www.hsba.org/hawaii/admin/dcca/dcca.htm

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